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**IN THE UNITED STATES DISTRICT COURT  
OHIO SOUTHERN DISTRICT  
SIXTH CIRCUIT**

10 JUL 27 PM 1:49  
U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST. DIV. COLUMBUS

**JACK LEMKIN  
37 MEADOWLARK LN.  
COLUMBUS, OH 43214**

**2 : 10 cv 665**  
**CASE NO. \_\_\_\_\_**

**PLAINTIFF**

**JUDGE HOLSCHUH**

**V.**

**MAGISTRATE JUDGE ABEL**

**HAHN LOESER & PARKS  
65 E STATE ST  
COLUMBUS, OH 43215**

**CRAIG MILLER  
5532 HUDSON DR  
HUDSON, OH 44236**

**MARK WATKINS  
C/O HAHN LOESER  
65 E STATE ST  
COLUMBUS, OH 43215**

**DEFENDANTS**

### **Background**

**This action relates to the complaint, 03 CVH -12-13434, (re-filed as 05CVC02-2256 on 2/28/05) filed against the Defendants in Franklin Commons Pleas Court. The Defendants claimed that there were substantial issues of federal law and on 10/2/09; the Court decided that subject jurisdiction was improper and the complaint belonged in Federal Court. (Ex-1) The decision was upheld by the Appellate Court on 5/11,2010 (09APE11-1051), citing *Air Measurement Technology v. Akim Gump & Christianson v Colt* despite the lack of any issues of patent infringement.**

### **COMPLAINT**

**1-The Plaintiff, Jack Lemkin, “Lemkin”, resides at 37 Meadowlark Ln., Columbus Ohio 43214. He is the author/co-author of numerous patents.**

**2-The Defendant, Craig Miller, was an Attorney who was employed by the Oldham & Oldham LPA company ,”O&O”, a legal professional association, which was located at 1225 W. Market St. Akron, Ohio 44313. On December 11, 2000, Craig Miller was dismissed by “O&O” for negligence.**

**3- “HLP” is named as a defendant in this complaint based on their actions as “HLP” after the files were transferred. ‘HLP’ successfully motioned the Common Pleas Court to remove them as a Defendant claiming no merger took place and thus they had no successor liability. (Ex-2)**

**4- The Defendant, Mark Watkins was a partner of “O&O”, Craig Miller’s supervisor and worked on the files both at “O&O” and at “HLP”.**

**COUNT 1    Negligent Misrepresentation**

**5- “O&O” and “HLP”, at all times relevant to the complaint have been engaged in the business of representing clients on intellectual property and patent law.**

**6- Craig Miller was an attorney whose principal area of practice**

**was intellectual property and patent law and was employed by "O&O" thru 12/11/00. One of "O&O" and "HLP"'s clients was the Our Pets Company and Steve Tsengas. In the course of his employment with "O&O", Craig Miller filed a Provisional Patent on April 8,1999 for an adjustable height pet feeder with the U.S. Patent Office naming Steve Tsengas as the inventor.**

**7 –Defendant Craig Miller negligently misrepresented that eight (8) drawings that were submitted with the Provisional Patent Application were the work of Steve Tsengas when in fact the Plaintiff, Jack Lemkin was the author/creator of seven (7) of those drawings.**

**8- Furthermore, when Craig Miller filed the Provisional Patent, he neglected to note that the single drawing authored by Tsengas was a copy of an earlier Patent by Teschke (4,699,089), a patent that Miller was familiar with having citing it on numerous occasions.**

**9-Plaintiff, Jack Lemkin corresponded with Miller several times in 2000 regarding his authorship of the adjustable height pet feeder design. Plaintiff finally sent a certified letter to Mark Watkins, noting the negligent misrepresentation. Miller was fired that week but the Provisional Patent was never corrected by either "O&O" or "HLP". (Ex-3)**

**10-The Plaintiff first became aware of the existence of the Provisional Patent in June 2002, when OurPets obtained a Temporary Restraining order (1:02CV 1066) regarding Plaintiff's ownership of Pat. # 6,145,474. The existence of the negligently misrepresented Provisional Patent damaged Plaintiff's credibility resulting in financial losses.**

**Count 11 Fraud.**

**11-For Count 11, Plaintiff incorporates herein the allegations contained paragraphs 1-10 of Count-1 in this Complaint.**

**12-The defendant Craig Miller created a fraudulent document.**

**His supervisor, Mark Watkins and "O&O" became aware of Craig**

**Miller's activities but failed to take any corrective action.**

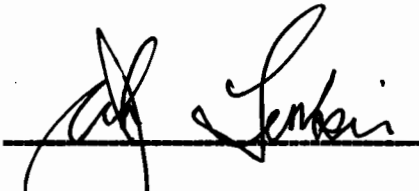
**Watkins's partner Scott Oldham fired Miller. The files were**

**transferred to "HLP", whose staff members worked on these files**

**but failed to correct the fraudulent nature of the Provisional**

**Patent.**

**Wherefore, the Plaintiff prays the court for judgment against  
each defendant on each count of this complaint for compensatory  
damages and punitive damages for all counts, attorneys' fees  
costs and all other relief the court finds just and equitable.**

  
**Jack Lemkin Pro-se**

**37 Meadowlark Ln.**


**Columbus, OH 43214**

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**JURY DEMAND**

**The Plaintiff demands a trial by jury in this action**


**Jack Lemkin** - 

**Notice sent to:**

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**By Jack Lemkin**

 on 7/26/10